

REFERENCE TITLE: voter identification; proof of citizenship

State of Arizona  
Senate  
Fifty-third Legislature  
First Regular Session  
2017

# **SB 1222**

Introduced by  
Senator Quezada

AN ACT

AMENDING SECTIONS 16-152, 16-166 AND 16-579, ARIZONA REVISED STATUTES;  
RELATING TO VOTER IDENTIFICATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Subject to the requirements of article IV, part 1,  
3 section 1, Constitution of Arizona, section 16-152, Arizona Revised  
4 Statutes, is amended to read:

5 16-152. Registration form

6 A. The form used for the registration of electors shall contain:

7 1. The date the registrant signed the form.

8 2. The registrant's given name, middle name, if any, and surname.

9 3. The complete address of the registrant's actual place of  
10 residence, including street name and number, apartment or space number,  
11 city or town and zip code, or such description of the location of the  
12 residence that it can be readily ascertained or identified.

13 4. The registrant's complete mailing address, if different from the  
14 residence address, including post office address, city or town, zip code  
15 or other designation used by the registrant for receiving mail. The form  
16 shall also include a line for the registrant's e-mail address (optional to  
17 registrant).

18 5. The registrant's party preference. The two largest political  
19 parties that are entitled to continued representation on the ballot shall  
20 be listed on the form in the order determined by calculating which party  
21 has the highest number of registered voters at the close of registration  
22 for the most recent general election for governor, then the second  
23 highest. The form shall allow the registrant to circle, check or  
24 otherwise mark the party preference and shall include a blank line for  
25 other party preference options.

26 6. The registrant's telephone number, unless unlisted.

27 7. The registrant's state or country of birth.

28 8. The registrant's date of birth.

29 9. The registrant's occupation.

30 10. The registrant's Indian census number (optional to registrant).

31 11. The registrant's father's name or mother's maiden name.

32 12. One of the following identifiers for each registrant:

33 (a) The Arizona driver license number of the registrant or  
34 nonoperating identification license number of the registrant that is  
35 issued pursuant to section 28-3165.

36 (b) If the registrant does not have an Arizona driver license or  
37 nonoperating identification license, the last four digits of the  
38 registrant's social security number.

39 (c) If the registrant does not have an Arizona driver license or  
40 nonoperating identification license or a social security number and the  
41 registrant attests to that, a unique identifying number consisting of the  
42 registrant's unique identification number to be assigned by the secretary  
43 of state in the statewide electronic voter registration database.

1           13. A statement as to whether or not the registrant is currently  
2 registered in another state, county or precinct, and if so, the name,  
3 address, county and state of previous registration.

4           14. The question to the registrant "Are you a citizen of the United  
5 States of America?", appropriate boxes for the registrant to check "yes"  
6 or "no" and a statement instructing the registrant not to complete the  
7 form if the registrant checked "no".

8           15. The question to the registrant "Will you be eighteen years of  
9 age on or before election day?", appropriate boxes for the registrant to  
10 check "yes" or "no" and a statement instructing the registrant not to  
11 complete the form if the registrant checked "no".

12           16. A statement that the registrant has not been convicted of  
13 treason or a felony, or if so, that the registrant's civil rights have  
14 been restored.

15           17. A statement that the registrant is a resident of this state and  
16 of the county in which the registrant is registering.

17           18. A statement that executing a false registration is a class 6  
18 felony.

19           19. The signature of the registrant.

20           20. If the registrant is unable to sign the form, a statement that  
21 the affidavit was completed according to the registrant's direction.

22           21. A statement that if an applicant declines to register to vote,  
23 the fact that the applicant has declined to register will remain  
24 confidential and will be used only for voter registration purposes.

25           22. A statement that if an applicant does register to vote, the  
26 office at which the applicant submits a voter registration application  
27 will remain confidential and will be used only for voter registration  
28 purposes.

29           ~~23. A statement that the applicant shall submit evidence of United  
30 States citizenship with the application and that the registrar shall  
31 reject the application if no evidence of citizenship is attached.~~

32           B. A duplicate voter receipt shall be provided with the form that  
33 provides space for the name, street address and city of residence of the  
34 applicant, party preference and the date of signing. The voter receipt is  
35 evidence of valid registration for the purpose of casting a provisional  
36 ballot as prescribed in section 16-584, subsection B.

37           C. The state voter registration form shall be printed in a form  
38 prescribed by the secretary of state.

39           D. The county recorder may establish procedures to verify whether a  
40 registrant has successfully petitioned the court for an injunction against  
41 harassment pursuant to section 12-1809 or an order of protection pursuant  
42 to section 13-3602 and, if verified, to protect the registrant's residence  
43 address, telephone number or voting precinct number, if appropriate, from  
44 public disclosure.

1 E. Subsection A of this section does not apply to registrations  
2 received from the department of transportation pursuant to section 16-112.

3 Sec. 2. Subject to the requirements of article IV, part 1,  
4 section 1, Constitution of Arizona, section 16-166, Arizona Revised  
5 Statutes, is amended to read:

6 16-166. Verification of registration

7 A. Except for the mailing of sample ballots, a county recorder who  
8 mails an item to any elector shall send the mailing by nonforwardable  
9 first class mail marked with the statement required by the postmaster to  
10 receive an address correction notification. If the item is returned  
11 undelivered, the county recorder shall send a follow-up notice to that  
12 elector within three weeks of receipt of the returned notice. The county  
13 recorder shall send the follow-up notice to the address that appears in  
14 the general county register or to the forwarding address provided by the  
15 United States postal service. The follow-up notice shall include a  
16 registration form and the information prescribed by section 16-131,  
17 subsection C and shall state that if the elector does not complete and  
18 return a new registration form with current information to the county  
19 recorder within thirty-five days, the elector's registration status shall  
20 be changed from active to inactive.

21 B. If the elector provides the county recorder with a new  
22 registration form, the county recorder shall change the general register  
23 to reflect the changes indicated on the new registration. If the elector  
24 indicates a new residence address outside that county, the county recorder  
25 shall forward the voter registration form to the county recorder of the  
26 county in which the elector's address is located. If the elector provides  
27 a new residence address that is located outside this state, the county  
28 recorder shall cancel the elector's registration.

29 C. The county recorder shall maintain on the inactive voter list  
30 the names of electors who have been removed from the general register  
31 pursuant to subsection A or E of this section for a period of four years  
32 or through the date of the second general election for federal office  
33 following the date of the notice from the county recorder that is sent  
34 pursuant to subsection E of this section.

35 D. On notice that a government agency has changed the name of any  
36 street, route number, post office box number or other address designation,  
37 the county recorder shall revise the registration records and shall send a  
38 new verification of registration notice to the electors whose records were  
39 changed.

40 E. The county recorder on or before May 1 of each year preceding a  
41 state primary and general election or more frequently as the recorder  
42 deems necessary may use the change of address information supplied by the  
43 postal service through its licensees to identify registrants whose  
44 addresses may have changed. If it appears from information provided by  
45 the postal service that a registrant has moved to a different residence

1 address in the same county, the county recorder shall change the  
2 registration records to reflect the new address and shall send the  
3 registrant a notice of the change by forwardable mail and a postage  
4 prepaid preaddressed return form by which the registrant may verify or  
5 correct the registration information. If the registrant fails to return  
6 the form postmarked not later than thirty-five days after the mailing of  
7 the notice, the elector's registration status shall be changed from active  
8 to inactive. If the notice sent by the recorder is not returned, the  
9 registrant may be required to provide affirmation or confirmation of the  
10 registrant's address in order to vote. If the registrant does not vote in  
11 an election during the period after the date of the notice from the  
12 recorder through the date of the second general election for federal  
13 office following the date of that notice, the registrant's name shall be  
14 removed from the list of inactive voters. If the registrant has changed  
15 residence to a new county, the county recorder shall provide information  
16 on how the registrant can continue to be eligible to vote.

17 ~~F. The county recorder shall reject any application for~~  
18 ~~registration that is not accompanied by satisfactory evidence of United~~  
19 ~~States citizenship. Satisfactory evidence of citizenship shall include~~  
20 ~~any of the following:~~

21 ~~1. The number of the applicant's driver license or nonoperating~~  
22 ~~identification license issued after October 1, 1996 by the department of~~  
23 ~~transportation or the equivalent governmental agency of another state~~  
24 ~~within the United States if the agency indicates on the applicant's driver~~  
25 ~~license or nonoperating identification license that the person has~~  
26 ~~provided satisfactory proof of United States citizenship.~~

27 ~~2. A legible photocopy of the applicant's birth certificate that~~  
28 ~~verifies citizenship to the satisfaction of the county recorder.~~

29 ~~3. A legible photocopy of pertinent pages of the applicant's United~~  
30 ~~States passport identifying the applicant and the applicant's passport~~  
31 ~~number or presentation to the county recorder of the applicant's United~~  
32 ~~States passport.~~

33 ~~4. A presentation to the county recorder of the applicant's United~~  
34 ~~States naturalization documents or the number of the certificate of~~  
35 ~~naturalization. If only the number of the certificate of naturalization~~  
36 ~~is provided, the applicant shall not be included in the registration rolls~~  
37 ~~until the number of the certificate of naturalization is verified with the~~  
38 ~~United States immigration and naturalization service by the county~~  
39 ~~recorder.~~

40 ~~5. Other documents or methods of proof that are established~~  
41 ~~pursuant to the immigration reform and control act of 1986.~~

42 ~~6. The applicant's bureau of Indian affairs card number, tribal~~  
43 ~~treaty card number or tribal enrollment number.~~

1 ~~G. Notwithstanding subsection F of this section, any person who is~~  
2 ~~registered in this state on the effective date of this amendment to this~~  
3 ~~section is deemed to have provided satisfactory evidence of citizenship~~  
4 ~~and shall not be required to resubmit evidence of citizenship unless the~~  
5 ~~person is changing voter registration from one county to another.~~

6 ~~H. For the purposes of this section, proof of voter registration~~  
7 ~~from another state or county is not satisfactory evidence of citizenship.~~

8 ~~I. A person who modifies voter registration records with a new~~  
9 ~~residence ballot shall not be required to submit evidence of citizenship.~~  
10 ~~After citizenship has been demonstrated to the county recorder, the person~~  
11 ~~is not required to resubmit satisfactory evidence of citizenship in that~~  
12 ~~county.~~

13 ~~J. After a person has submitted satisfactory evidence of~~  
14 ~~citizenship, the county recorder shall indicate this information in the~~  
15 ~~person's permanent voter file. After two years the county recorder may~~  
16 ~~destroy all documents that were submitted as evidence of citizenship.~~

17 Sec. 3. Subject to the requirements of article IV, part 1,  
18 section 1, Constitution of Arizona, section 16-579, Arizona Revised  
19 Statutes, is amended to read:

20 16-579. Procedure for obtaining ballot by elector

21 A. Every qualified elector, before receiving a ballot, shall  
22 announce the elector's name and place of residence in a clear, audible  
23 tone of voice to the election official in charge of the signature roster  
24 or present the elector's name and residence in writing. IF THE NAME IS  
25 FOUND ON THE PRECINCT REGISTER OR THE QUALIFIED ELECTOR PRESENTS A  
26 CERTIFICATE FROM THE COUNTY RECORDER SHOWING THAT THE ELECTOR IS ENTITLED  
27 BY LAW TO VOTE IN THE PRECINCT, the election official in charge of the  
28 signature roster shall ~~comply with the following~~ REPEAT THE NAME and the  
29 qualified elector shall be allowed within the voting area. :-

30 ~~1. The elector shall present any of the following:~~

31 ~~(a) A valid form of identification that bears the photograph, name~~  
32 ~~and address of the elector that reasonably appear to be the same as the~~  
33 ~~name and address in the precinct register, including an Arizona driver~~  
34 ~~license, an Arizona nonoperating identification license, a tribal~~  
35 ~~enrollment card or other form of tribal identification or a United States~~  
36 ~~federal, state or local government issued identification. Identification~~  
37 ~~is deemed valid unless it can be determined on its face that it has~~  
38 ~~expired.~~

39 ~~(b) Two different items that contain the name and address of the~~  
40 ~~elector that reasonably appear to be the same as the name and address in~~  
41 ~~the precinct register, including a utility bill, a bank or credit union~~  
42 ~~statement that is dated within ninety days of the date of the election, a~~  
43 ~~valid Arizona vehicle registration, an Arizona vehicle insurance card, an~~  
44 ~~Indian census card, tribal enrollment card or other form of tribal~~  
45 ~~identification, a property tax statement, a recorder's certificate, a~~

1 ~~voter registration card, a valid United States federal, state or local~~  
2 ~~government issued identification or any mailing that is labeled as~~  
3 ~~"official election material". Identification is deemed valid unless it~~  
4 ~~can be determined on its face that it has expired.~~

5 ~~(c) A valid form of identification that bears the photograph, name~~  
6 ~~and address of the elector except that if the address on the~~  
7 ~~identification does not reasonably appear to be the same as the address in~~  
8 ~~the precinct register or the identification is a valid United States~~  
9 ~~military identification card or a valid United States passport and does~~  
10 ~~not bear an address, the identification must be accompanied by one of the~~  
11 ~~items listed in subdivision (b) of this paragraph.~~

12 ~~2. If the elector does not present identification that complies~~  
13 ~~with paragraph 1 of this subsection, the elector is only eligible to vote~~  
14 ~~a provisional ballot as prescribed by section 16-584 or a conditional~~  
15 ~~provisional ballot as provided for in the secretary of state's instruction~~  
16 ~~and procedures manual adopted pursuant to section 16-452.~~

17 B. Any qualified elector who is listed as having applied for an  
18 early ballot but who states that the elector has not voted and will not  
19 vote an early ballot for this election or surrenders the early ballot to  
20 the precinct inspector on election day shall be allowed to vote pursuant  
21 to the procedure set forth in section 16-584.

22 C. Each qualified elector's name shall be numbered consecutively by  
23 the clerks and in the order of applications for ballots. The judge shall  
24 give the qualified elector only one ballot, and the elector's name shall  
25 be immediately checked on the precinct register.

26 D. For precincts in which a paper signature roster is used, each  
27 qualified elector shall sign the elector's name in the signature roster  
28 ~~prior to~~ BEFORE receiving a ballot, but an inspector or judge may sign the  
29 roster for an elector who is unable to sign because of physical  
30 disability, and in that event the name of the elector shall be written  
31 with red ink, and no attestation or other proof shall be necessary. The  
32 provisions of this subsection relating to signing the signature roster  
33 ~~shall~~ DO not apply to electors casting a ballot using early voting  
34 procedures.

35 E. For precincts in which an electronic poll book system is used,  
36 each qualified elector shall sign the elector's name as prescribed in the  
37 instructions and procedures manual adopted by the secretary of state  
38 pursuant to section 16-452 before receiving a ballot, but an inspector or  
39 judge may sign the roster for an elector who is unable to sign because of  
40 physical disability, and in that event the name of the elector shall be  
41 written with the inspector's or judge's attestation on the same signature  
42 line.

1           F. A person offering to vote at a special district election for  
2 which no special district register has been supplied shall sign an  
3 affidavit stating the person's address and that the person resides within  
4 the district boundaries or proposed district boundaries and swearing that  
5 the person is a qualified elector and has not already voted at the  
6 election being held.

7           Sec. 4. Requirements for enactment; three-fourths vote

8           Pursuant to article IV, part 1, section 1, Constitution of Arizona,  
9 sections 16-152, 16-166 and 16-579, Arizona Revised Statutes, as amended  
10 by this act, are effective only on the affirmative vote of at least  
11 three-fourths of the members of each house of the legislature.